

GENERAL SERVICES ADMINISTRATION  
Washington, DC 20405

OAS 5615.1  
September 20, 2021

GSA ORDER

Subject: GSA Unmanned Aircraft Systems (UAS) Policy

1. Purpose. This order describes the policy for GSA's ownership and use of UAS, commonly known as drones.
2. Background. Government aircraft is defined in [41 Code of Federal Regulations \(CFR\) § 102-33](#) as any "manned or unmanned aircraft operated for the exclusive use of an executive agency," including aircraft hired as commercial aviation services (CAS) when the aircraft in question is used exclusively by the Government. With one minor exception, this means that Government aircraft that are small drones are subject to the same regulations as Government-owned airplanes and helicopters.<sup>1</sup> This has important implications for GSA's ownership and use of Government aircraft, including drones.
3. Scope and Applicability.
  - a. This order applies to GSA personnel who use, supervise, manage, control, and/or oversee the utilization of UAS while conducting official Government business, as well as the personnel who are involved with the procurement of UAS and UAS services.
  - b. This order applies to GSA contractors who use, supervise, manage, control, and/or oversee the utilization of UAS while conducting official business for GSA.
  - c. This order applies to the GSA Office of Inspector General (OIG) to the extent that the GSA OIG determines it is consistent with GSA OIG's independent authority under the Inspector General Act and it does not conflict with other GSA OIG policies or the GSA OIG mission.

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<sup>1</sup> The single exception to this is that reporting of UAS costs and flight hours to GSA/OGP is only required if the accumulated costs for acquisition and operations exceeds the agency's threshold for capitalization, and the UAS has a useful life of two years or more. See 41 CFR § 102-33.20.

d. This order applies to the Civilian Board of Contract Appeals (CBCA) to the extent that the CBCA determines it is consistent with its independent authority under the Contract Disputes Act and other authorities and it does not conflict with the CBCA's policies or mission.

e. This order does not apply to GSA personnel participating in assisted acquisitions for UAS or UAS services for other agencies through an assisted acquisition or governmentwide contract vehicle.

4. Policy. GSA may not purchase Federal aircraft (including UAS) as Congress has not authorized it as specified by [41 CFR § 102-33.55\(c\)](#).

GSA may also not hire UAS as CAS when the aircraft is used exclusively for GSA (e.g., directly leasing for UAS), as GSA does not have appropriations that specifically authorize the purchase, maintenance, or operation of aircraft as required by [31 U.S.C. § 1343\(d\)](#). Organizations must contact the OAS Chief Administrative Services Officer prior to requesting Congressional authority to purchase aircraft or requesting appropriations to hire CAS, and should be prepared to help OAS establish an aviation program at GSA by:

- Providing an individual to serve as GSA's Senior Aviation Management Official (SAMO) as required in 41 CFR § 102-33.25(e), and perform the SAMO duties listed at 41 CFR § 102-33.30;
- Following the requirements listed in 41 CFR § 102-33.70 to acquire aircraft; and
- Establishing Flight Program Standards as defined at [41 CFR § 102-33.140](#) through § 102-33.185.

GSA organizations that own UAS should immediately contact GSA's Office of the Chief Information Security Officer (OCISO) to receive instructions on what to do with the device(s), as GSA is not authorized to own UAS as it does not have an aviation program as described above.

GSA may contract for services that use UAS, subject to the restrictions below. They must specify in the contract language that UAS will not be owned or used exclusively by GSA, and that the contractors will comply with the requirements of all applicable FAA regulations including but not limited to [FAA Summary of Small Unmanned Aircraft Rule \(Part 107\)](#), OCISO's IT Security Procedural Guide, and the list below:

- [41 CFR Part 102-33, Management of Government Aircraft](#)
- [31 U.S.C. § 1343 Buying and leasing passenger motor vehicles and aircraft](#)

- [2015 Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems](#)
- [Executive Order 13981 of January 18, 2021 Protecting the United States From Certain Unmanned Aircraft Systems](#)
- [OMB Circular A-11, "Preparation, Submission, and Execution of the Budget,"](#)
- [OMB Circular A-76, "Performance of Commercial Activities"](#)
- [OMB Circular A-94, "Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs"](#)
- [OMB Circular A-123, "Management's Responsibility for Internal Control"](#)
- [OMB Circular A-126, "Improving the Management and Use of Government Aircraft"](#)

GSA only allows the use of UAS by contractors classified by the FAA as small--UAS that are under 55 pounds--and that are approved platforms in [GEAR](#). All UAS operated on behalf of GSA are required to be registered with, and authorized for use by, the process detailed in the [IT Security Procedural Guide: Drones/Unmanned Aircraft Systems \(UAS\) Security](#).

In accordance with the [2015 Presidential Memorandum: Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems](#), GSA requires that any UAS directed by GSA to collect data adheres to the Constitution and all Federal and Agency privacy, civil rights and civil liberties laws, as well as applicable policies and procedures.

a. Privacy Protections. All GSA employees must comply with the Privacy Act as applicable, GSA's Privacy Policy and procedures, any other GSA privacy guidance, and all applicable laws, regulations and privacy requirements. This means that, among other things, any program office using data collection efforts involving UAS that may collect any Personal Identifiable Information (PII) is required to submit a Privacy Impact Assessment. Data collection efforts that do not collect any PII do not require a Privacy Impact Assessment.

Information collected by GSA using UAS that may contain PII shall not be retained for more than 180 days unless retention of the information is determined to be necessary to an authorized mission of GSA, the information is maintained in a system of records covered by the Privacy Act, or the information is required to be retained for a longer period by any other applicable law or regulation.

Even if there may not be any constitutional or civil rights law concerns raised by the proposed use of an UAS, GSA-directed UAS operations that occur in an airspace that is within private property (i.e., outside of publicly navigable airspace) may first need to obtain a property access agreement unless GSA already has the authority to enter the property. For questions about any of the potential legal issues discussed in this Order, please contact the Office of General Counsel (OGC).

b. Civil Rights and Civil Liberty Protections. To protect civil rights and civil liberties, all GSA-directed UAS data collection activities will adhere to the Constitution and all applicable laws, Executive Orders, and Presidential directives and regulations. Data will not be used, retained, or disseminated in any manner that will violate the First Amendment, GSA's Privacy Policy, or in any manner discriminate against persons based upon their race, sex, national origin, religion, sexual orientation, or gender identity.

c. Accountability. GSA offices using UAS to collect information will ensure that oversight procedures, including audits or assessments, comply with existing agency policies and regulations; that the rules of conduct and training for all Federal personnel and contractors directed by GSA comply with the requirements of the [GSA Information Technology \(IT\) General Rules of Behavior](#); and that the procedures for reporting suspected cases of misuse or abuse of UAS technologies as is required for other data collection technologies are followed. This includes policies and procedures set forth by the [GSA Information and Data Quality Handbook \[PDF - 305 KB\]](#). Policies and procedures that provide meaningful oversight of individuals who have access to sensitive information (including any PII) collected using UAS must be established, or the program office must confirm that such policies and procedures are in place. Any data-sharing agreements or policies, data use policies, and records management policies applicable to GSA-directed data collection efforts using UAS must conform to applicable laws, regulations, and policies. Every three years, there is a required examination of existing UAS policies and procedures relating to the collection, use, retention and dissemination of UAS-collected information to ensure that privacy, civil rights, and civil liberties are protected.

d. Transparency. GSA will promote transparency about GSA-directed UAS activities while not revealing information that could reasonably be expected to compromise privacy, law enforcement, or national security. GSA will provide notice to the public regarding the status of the Agency UAS Program, where they are authorized to operate, and descriptions of categories of UAS missions as well as changes that would

significantly affect privacy, civil rights, or civil liberties. Data from UAS missions will be made publicly available in accordance with GSA's [GSA Enterprise Information Technology Management \(ITM\) Policy](#).

5. Signature.

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BOB STAFFORD  
Chief Administrative Services Officer  
Office of Administrative Services